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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,557	07/29/2003	Takayuki Iida	Q76705	4745

23373 7590 03/20/2007  
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WASHINGTON, DC 20037

EXAMINER
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JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,557	<b>Applicant(s)</b> IIDA, TAKAYUKI	
	<b>Examiner</b> Blane J. Jackson	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Information Disclosure Statement**

The examiner has reviewed the information disclosure statement filed 14 December 2006.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 December 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 10-15 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1 and 10, the amendment claims read "a wireless communication means comprising a first communication means and a second communication means

for communicating via a wireless local area network. . .” where the meaning or identification of the “first communication means”, as opposed to the second means in communication with a LAN, is not clear nor is it clearly defined in the Specification. With reference to further claim elements, it appears that the “first communication means is a mobile phone of a cellular network in which base station information is derived. However, claim 3 identifies it is the judgment means, not the wireless communication means that comprises “mobile phone communication means” that receives base station information. Clarification of “a first communication means” consistent with the Specification and subsequent claims is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878) in view of Cannon et al. (US 7,058,358).

As to claim 10, Zehavi teaches an imaging apparatus comprising:

Image capturing means for obtaining image data (paragraphs 0010 and 0011),

Wireless communication means comprising a first communication means and a second communication means for communicating via a wireless local area network (LAN) with wireless LAN communication equipment for carrying out data communication

with the wireless LAN communication equipment via the wireless LAN (paragraphs 0014, 0031-0034 and 0039, WLAN communication between the client camera device and a service point, the portable client device may be a cellular phone and includes a digital camera),

Image storage means for storing the image data obtained by the image capturing means (paragraph 0034, images stored in the camera for subsequent download).

Instruction means for receiving a transfer instruction regarding the image data stored in the image storage means (paragraph 0034, customer actuates an appropriate control on the camera).

Zehavi teaches an apparatus for customer service includes a wireless communication terminal to receive digital data over a wireless link from a portable device carried by a customer in a vicinity of the terminal, see Abstract, but does not teach authentication information storage means for storing authentication information that is necessary for the data communication with the wireless LAN communication equipment via the wireless LAN and control means for automatically controlling the wireless communication means so as to send authentication information to the wireless LAN communication equipment with a transfer instruction and to send the imaged data to the LAN communication equipment after authentication.

Cannon teaches a piconet network device (100), perhaps a PDA or cell phone, that includes a short range wireless front end which must provide GPS coordinates (location) along with any other required authentication information to automatically gain access to a wireless network service, figures 1-3, column 4, lines 36-61. Cannon

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describe a wireless piconet security server (200) may determine authorization using earth coordinates before using a password received from the requesting wireless piconet network device, column 5, lines 21-57. Cannon further teaches the authorized area may be defined as internal to a particular perimeter or a specified distance from a particular point less than a given range of the wireless network, column 4, lines 62-67. Cannon discloses an application of the wireless network security system where the piconet wireless devices, such as a PDA including GPS capability, allows the *automatic exchange of certain data* (business cards) when within a particularly defined region such, as a conference room, column 6, lines 57-67.

Since Zehavi teaches the wireless camera device must be brought within range of one of the WLAN service points to transmit the image data over the link to the service point, paragraph 0010, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image transfer system of Zehavi with the wireless authentication system of Cannon for restricted access to a wireless service center with an automatic exchange of digital data.

### ***Allowable Subject Matter***

Other than the USC 112 issues noted above, claims 1-9 include allowable elements.

Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As to claim 11, the prior art made of record

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does not teach the imaging apparatus further comprising search means for carrying out a search for pieces of the wireless LAN communication equipment that are communicable with the wireless communication means, in response to an external instruction input and selection means for receiving selection of a desired one of the pieces of the wireless LAN communication equipment from the result of the search.

Claims 16-22 and 25 are allowed. As to claim 16, the prior art made of record teaches selecting image data sets to be transferred from a wireless communication apparatus to a wireless communication equipment but does not teach a method for data communication between a wireless communication apparatus and a wireless communication equipment comprising searching for a communicable station within a wireless communication network and receiving based station information regarding communicable base stations located in the wireless communication network.

### ***Conclusion***

Additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes Umeda et al. (US 7,142,847). A very relevant publication predating the applicant's filing date includes Montulli et al. (US 2006/0189340) that teaches automatic uploading of cell phone images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-

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7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Elean I. [unclear]". The signature is fluid and cursive, with a large initial "E" and a stylized last name.